

IN THE CLAIMS

Please amend the claims as indicated in the complete listing of claims listed below. This listing of claims will replace all prior versions, and listings, of claims in the application:

1. (Currently Amended) A method, comprising:

operating a control node of a communication network at a packet bandwidth wherein the control node is located in a communication link between at least one server and at least one client and wherein the control node comprises at least one control point; determining wherein at least one resonance point of a performance metric that exhibits improved network performance metrics ~~is determined~~ at the control point by monitoring the performance metric and scanning across a range of bandwidths until an inflection point in the performance metrics is observed indicating that the at least one resonance point is reached so that one or more of the network performance metrics are optimized, and ~~wherein~~ setting said packet bandwidth ~~of the control node~~ ~~corresponds to~~ ~~based on~~ ~~a resonance~~ ~~point from~~ the at least one resonance point.

2. (Previously Presented) The method of claim 1 wherein the network performance metrics comprise one or more of throughput, average fetch time and packet loss.

3.-4. (Canceled)

5. (Original) The method of claim 1 wherein the packet bandwidth is set by varying an inter-packet delay time over selected communication links at the control node.

6. (Currently Amended) A method, comprising:

determining at least one resonance point of a performance metric that exhibits an improved network performance metrics at a control point inside a communication network by monitoring the performance metric and scanning across a range of bandwidths until an inflection point in the performance metric is observed indicating that the at least one resonance point is reached so that one or more of the network performance metrics are optimized; and

operating a control node inside the communication network at a packet bandwidth, ~~wherein the packet bandwidth is set corresponding to a based on resonance point from the at least one resonance point, wherein the control node is located in a communication link between at least one server and at least one client, and wherein the control point is located nearby or in the control node.~~

7. (Previously Presented) The method of claim 6, wherein the network performance metrics comprise one or more of throughput, average fetch time, and packet loss.

8. (Previously Presented) The method of claim 6, wherein the packet bandwidth is set by varying an inter-packet delay time over selected communication links at the control node.

9. (Currently Amended) An apparatus to control congestion in a communication network, wherein the apparatus comprises:

a control node, wherein the control node is located in a communication link between at least one server and at least one client; and

a control point, wherein the control point is located nearby or in the control node, wherein the control point is to determine at least one resonance point of a performance metric that exhibits improved network performance metrics, wherein the at least one resonance point is determined by monitoring the performance metric across a range of bandwidths until an inflection point in the performance metric is observed indicating that the at least one resonance point is reached, wherein the control node operates at a packet bandwidth, wherein the packet bandwidth is set based on the at least one resonance point.

10. (Previously Presented) The apparatus of claim 9, wherein the control point comprises means to determine at least one resonance point of network performance metrics by scanning across a range of bandwidths until one or more of the network performance metrics is/are optimized.

11. (Canceled).

12. (Previously Presented) The method of claim 1, wherein said resonance point is a best observed resonance point from the at least one resonance point.

13. (Previously Presented) The method of claim 6, wherein said resonance point is a best observed resonance point from the at least one resonance point.

14. (Previously Presented) The apparatus of claim 11, wherein said resonance point is a best observed resonance point from the at least one resonance point.